

-FILED-

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

At
ROBERT N. TROGOVICH, Clerk
U.S. DISTRICT COURT
NORTHERN DISTRICT OF INDIANA

SEP 4 2012

Keith Stafford,

Plaintiff,

v.

American InterContinental University ; and
DOES 1-10, inclusive,

Defendant.

Civil Action No.: _____

2 12 CV 359

**COMPLAINT AND
DEMAND FOR JURY TRIAL**

For this Complaint, the Plaintiff, Keith Stafford, by undersigned counsel, states as follows:

JURISDICTION

1. This action arises out of Defendant's repeated violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, et seq. (the "TCPA").

2. Supplemental jurisdiction exists pursuant to 28 U.S.C. § 1337.

3. Venue is proper in this District pursuant to 28 U.S.C. § 1331(b), in that the Defendants transact business in this District and a substantial portion of the acts giving rise to this action occurred in this District.

PARTIES

4. The Plaintiff, Keith Stafford ("Plaintiff"), is an adult individual residing in East Chicago, Lake County, Indiana.

5. Defendant American InterContinental University ("AICU") is an Illinois business entity with an address of 231 North Martingale Road, Schaumburg, Illinois 60173.

6. Does 1-10 (the "Agents") are individual agents or/and employees, employed by AICU and whose identities are currently unknown to the Plaintiff. One or more of the Agents may be joined as parties once their identities are disclosed through discovery.

7. AICU at all times acted by and through one or more of the Agents.

FACTS

A. Defendants' Abusive Behavior

8. In or around June, 2012, Defendant began calling Plaintiff's residential phone approximately 2 times per day on a daily basis for the purpose of soliciting to him Defendant's services.

9. Defendant contacted Plaintiff's residential telephone number, xxx-xxx-0337, using an automated telephone dialer system with an artificial or prerecorded voice (hereafter "Robocalls").

10. Plaintiff has no prior business relationship with Defendant and never provided Defendant with his telephone number or contact information.

11. Plaintiff never requested to Defendant either by agreement or otherwise that he be contacted.

12. Oftentimes, when Plaintiff answered his phone in an attempt to get the calls to cease, there was nobody on the other end to whom Plaintiff could speak.

13. Every time Plaintiff spoke to one of Defendant's agents, he informed them he was not interested in Defendant's services and instructed Defendant to remove his telephone number and cease all communications with him.

14. Despite Plaintiff's many attempts to get the calls to stop, Defendant continued to place Robocalls to Plaintiff's residential telephone.

COUNT I

VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, ET SEQ.

15. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

16. Without prior consent the Defendants made telephone calls to the Plaintiff's residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the Plaintiff in violation of 47 U.S.C. § 227(b)(1)(B).

17. The foregoing acts and omissions of the Defendants constitute numerous and multiple violations of the Telephone Consumer Protection Act, including the above-cited provision.

18. The Plaintiff is entitled to damages as a result of the Defendants' violations.

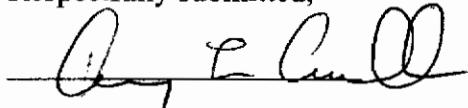
PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

1. Statutory damages pursuant to 47 U.S.C. § 227(b)(3)(B) & (C); and
2. Such other and further relief as may be just and proper.

Dated: August 30, 2012

Respectfully submitted,



Amy L Cueller, Esq., #15052-49
LEMBERG & ASSOCIATES L.L.C.
1100 Summer Street, 3rd Floor
Stamford, CT 06905
Telephone: (203) 653-2250
Facsimile: (203) 653-3424
E-Mail: acueller@lemb erglaw.com
Attorneys for Plaintiff